

CHAPTER 03**ADMINISTRATION** *(Amended 11/14/17)*

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Section 03.010 Decision-Making and Administrative Bodies.

The decision-making bodies and officials identified in the title have responsibility for implementing and administering the Lehi City General Plan and Lehi City Development Code. Other City Departments, bodies and officials also may have specific responsibilities related to this Code and are identified as appropriate.

Section 03.020 City Council.

(Amended 12/13/16)

The Lehi City Council ("Council") shall have the following powers and duties:

- A. to adopt the Lehi City General Plan and all elements of the General Plan;
- B. to initiate amendments to the text and map of this Code, the Lehi City General Plan, and all elements of the General Plan;
- C. to approve, deny, or to amend and approve applications for development approval;
- D. to render, or to appoint a hearing officer to render a determination, pursuant to the provisions of Chapter 31 of this Code, if an applicant asserts a deprivation of, or has been subject to, a taking of property without just compensation or asserts some other invalidity by the passage of this Code;
- E. to establish a fee schedule by resolution for applications for development approval, zone district amendments and all other approvals, permits and licenses required by this Code;

F. to designate and appoint an administrative official to decide routine and uncontested matters which otherwise would be heard by the Hearing Examiner; and

G. to take such other action not expressly delegated to the Reviewing Department, Planning Commission or the Hearing Examiner that may be desirable and necessary to implement the provisions of the Lehi City General Plan and this Code.

Section 03.030 Planning Commission.

(Amended 2/8/00)

A. Creation. There is hereby created and established a Lehi City Planning Commission ("Commission").

B. Powers and Duties. The Commission shall be an advisory body to the City Council in making decisions pertaining to amendments to the Lehi City General Plan and this Code. The Commission shall have the following powers and duties:

- 1. to prepare or cause to be prepared a General Plan or element thereof and to submit the proposed General Plan or elements to the City Council;
- 2. to prepare or cause to be prepared amendments to the General Plan or elements thereof from time to time and submit the proposed amendments to the City Council;
- 3. to review and make recommendations to the City Council with regard to amendments to the Lehi City General Plan Land Use Maps;
- 4. to review and make recommendations to the City Council with regard to interpretations of authorized permitted and Conditional Uses;
- 5. to initiate, hear, review and make recommendations to the City Council on applications for amendments to the text or Zoning District Map of this Code;
- 6. to hear, review, recommend approval or disapproval, or approve or disapprove applications for development approval, as authorized in accordance with the provisions of this Code;
- 7. to hear and decide appeals from actions of the Development Review Committee; and

8. to adopt bylaws, policies, procedures and regulations for the conduct of its duties and meetings, for the consideration of applications for development approval, and for any other purposes deemed necessary for the functioning of the Commission, provided that such bylaws, policies, procedures and regulations shall be consistent with this Code and shall be approved by the City Council before taking effect.

C. Qualifications for Membership. Members of the Commission shall be appointed from the qualified electors of the City.

D. Membership: Appointment, Removal, Terms, and Vacancies.

1. The Commission shall be composed of seven members to be appointed by the Mayor with the advice and consent of the City Council. Each member of the City Council may submit names of candidates.
2. The Mayor, with the advice and consent of the City Council, may remove any member of the Commission for violation of this Code or any policies or procedures adopted by the Commission following receipt of a written complaint filed against the member. The Mayor shall provide the member with a hearing, if requested.
3. Members of the Commission may be compensated on a per diem basis, based upon meetings actually attended and reasonable and necessary expenses, as determined by the City Council.
4. All members shall serve a term of three years. No member shall serve more than three consecutive terms.
5. At an annual organizational meeting, the members of the Commission shall elect one of their members as chair and one of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair shall serve a term of one year. No member shall serve as chair for more than two consecutive terms.
6. The chair, or in the chair's absence the vice-chair, shall administer oaths, shall be in charge of all proceedings before the Commission, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Commission.

E. Alternate Members.

1. The Mayor with the advice and consent of the City Council may appoint up to two alternate Planning Commissioners who may act with the full powers and duties of a regular Planning Commissioner, however, an alternate member may vote only in the absence of a regular member. The senior alternate member will be the first to replace an absent regular member.
2. Alternate members may participate in the discussion and debate of a meeting even if all regular members are present. However if all regular members are present, the alternate members would not vote.
3. Alternate members shall not vote in the place of a member who abstains from voting unless that member completely withdraws from the discussion and removes himself/herself from the Commission table during the consideration for the matter upon which he/she abstains. Under such circumstances, the alternate member may sit as a replacement for the regular member for that particular agenda item.
4. The appointment and participation of alternate members does not increase the number of members of the Commission nor does it increase the number of members constituting a quorum required to take action. When an alternate member fills in for an absent or abstaining regular member, such alternate is considered to be a regular member for the purpose of that meeting or agenda item.
5. Alternate members shall serve a term of three years.

F. Recording Secretary. The Mayor shall appoint a recording secretary to serve the Commission. The Recording Secretary shall keep minutes of all proceedings of the Commission, which minutes shall be the official record of all proceedings before the Commission, attested to by a majority vote of the members of the Commission. The Recording Secretary shall maintain all records of Commission meetings, hearings and proceedings, and handle the correspondence of the Commission.

G. Quorum and Necessary Vote. No meeting of the Commission may be called to order, nor may any business be transacted without a quorum consisting of

at least four members of the Commission being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the Commission. All actions shall require the vote of a majority of the members of the Commission.

H. Meetings, Hearings and Procedure.

1. The Commission shall establish a regular meeting schedule.
2. Special meetings may be requested by the City Council, the chair of the Commission, or a majority of the members of the Commission.
3. If a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available Commission meeting. The Recording Secretary shall notify interested parties and all members of the Commission of the date of the continued meeting.

Section 03.040 Land Use Hearing Examiner.

(Amended 11/28/06; 12/13/16)

A. Creation. There is hereby created and established a Lehi City Land Use Hearing Examiner.

B. Powers and Duties.

1. The Hearing Examiner shall hear and decide:
 - (a) appeals from final administrative decisions of the Zoning Administrator applying the provisions of this Code;
 - (b) variances from the terms of this Code with a finding of unreasonable hardship as allowed by Chapter 25;
 - (c) interpretations of a zoning district boundary line as allowed by Section 02-020;
 - (d) appeals from Planning Commission decisions concerning Conditional Use permits; and
 - (e) requests for the issuance of a building permit authorizing the reconstruction, remodeling, expansion or enlargement of a nonconforming building or structure.
2. The Hearing Examiner shall not have power, jurisdiction or authority to consider:
 - (a) variances to any of the standards governing approval of subdivisions, site plans, or Conditional Use permits; or
 - (b) amendments to the General Plan, any element or map of the General Plan, any provision, requirement or map of this Code, or the

Zoning District Maps including the permissible use of land within any Zoning District.

C. Qualifications for Membership. The Hearing Examiner shall be retained by the Mayor or the Mayor's designee as needed to fulfill the duties and responsibilities described in this chapter and shall be an attorney currently licensed to practice law in Utah. The Hearing Examiner shall have experience in Utah municipal land use law, municipal land use code, constitutional due process requirements and administrative or quasi-judicial hearings.

D. Recording Secretary. The City Recorder shall provide a recording secretary to serve the Hearing Examiner. The recording secretary shall keep minutes of all proceedings of the Hearing Examiner, which minutes shall be the official record of all proceedings before the Hearing Examiner, attested to by the Hearing Examiner. The Recording Secretary shall maintain all record of Hearing Examiner meetings, hearings and proceedings, and handle the correspondence of the Hearing Examiner.

E. Meetings, Hearings and Procedure.

1. Meetings: Meetings of the Hearing Examiner shall be held only as necessary to fulfill the duties and responsibilities described in this chapter.
2. Other Duties: The Hearing Examiner may adopt rules in accordance with the provisions of State law, this chapter, and any other applicable City Ordinance. Meetings of the Hearing Examiner shall be held at such times as the Hearing Examiner may determine. The Hearing Examiner may administer oaths and compel the attendance of witnesses. All meetings of the Hearing Examiner shall be subject to the Utah Open Meetings Act.
3. Written Statement Setting Forth Theories of Relief Required: The appellant shall deliver to the Hearing Examiner and all other participants, five business days prior to the hearing, a written statement setting forth each and every theory of relief the appellant intends to raise at the hearing, along with a brief statement of facts in support thereof.
4. Condition Precedent to Judicial Review: No theory of relief may be raised in the District Court unless it was timely and specifically presented to the appeal authority.
5. Standard of Review and Burden of Proof on Appeal: The Hearing Examiner shall, on appeal,

presume that the decision applying the land use ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The burden of proof on appeals is on the appellant.

Section 03.050 Parks, Trails, and Trees Advisory Committee. *(New 04/22/04)*

A. Parks, Trails, and Trees Advisory Committee. There is hereby created and established a Lehi City Parks, Trails, and Trees Advisory Committee (PTTAC). The following provisions shall apply to the Committee:

1. Appointment. The Mayor shall appoint and the City Council approve a Parks, Trails, and Trees Advisory Committee consisting of seven voting members, all of whom must be residents of the City. Other non-voting members of the Committee may be appointed by the Mayor as needed.
2. Term of Office.
 - (a) All members shall serve a term of six years.
 - (b) Members may be reappointed, with no limit on the number of terms a member may serve.
 - (c) In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term.
3. Chairperson. At an organizational meeting, the members of the Committee shall elect one of their members as chair and one of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair shall serve a term as per the bylaws of the Committee.
4. Receipt of gifts and bequests. The PTTAC, on behalf of and with the consent of the City Council, shall have the authority to receive gifts or bequests for the purchase and planting of trees and shrubs along any street, avenue or public property and fund other special events sponsored by the Committee. Such gifts or bequests shall be received by the City Treasurer and conveyed into a special fund for the purposes set out in this Chapter.
5. Compensation. Members of the Committee shall serve without compensation, but may be reimbursed for personal expenditures on behalf of

the Committee. Any expenditure to be reimbursed shall be reviewed and recommended by the Committee and approved by the Lehi City Finance Director.

B. Parks, Trails, and Trees Advisory Committee—Duties and Responsibilities. The Committee shall be an advisory body to the Mayor, City Council, Planning Commission, department heads, and other City employees in making decisions regarding the needs and management of the City's parks, open space, trails, and trees. The Committee shall report to, and is accountable to the Mayor and City Council. The Committee shall have the following duties and responsibilities:

1. assist in the development and administration of a community tree management program for Lehi City;
2. adopt bylaws, policies, procedures and regulations for the conduct of its duties and meetings, for the consideration of items brought before the Committee, and for any other purposes deemed necessary for the functioning of the Committee provided that such bylaws, policies, procedures and regulations shall be approved by the City Council before taking effect;
3. review development applications in an advisory capacity that include elements pertaining to parks, trails, open space and community forestry, and provide recommendations to the Planning Commission and City Council regarding the applications;
4. develop and maintain a Street Tree and Landscape Tree Selection Guide;
5. assist the City's department heads in establishing educational and information programs;
6. assist the City's department heads in the establishment and maintenance of a street tree inventory database and mapping;
7. in cooperation with the Lehi City Historic Preservation Commission, identify and mark notable or historic trees for preservation; and
8. assist the City's department heads in the scheduling and planning of an annual Arbor Day observance.

Section 03.060 Reviewing Departments.

(Amended 3/23/04; 05/13/14)

A. **Review Required.** The following departments, collectively known as the Reviewing Departments, shall provide technical reviews on all development requests requiring approval from the Planning Commission and City Council:

1. Engineering Department;
2. Planning Division;
3. Public Works Department;
4. Building Division;
5. Fire Department;
6. Power Department;
7. Water Department;
8. Parks Division; and
9. Streets Division.

B. As requested by the Reviewing Departments, a representative from the Streets Division, Police Department, Recreation Division, and any other City department or staff may be asked to provide input during the review process.

C. **Procedure.** The following procedure shall govern the review and approval process on all development requests requiring approval from the Planning Commission or City Council:

1. The Planning Department shall coordinate and oversee the review process referenced in Section 03.060(A).
2. Applications for development requests shall be submitted to the Planning Department. Only complete applications, as determined by the Planning Department, shall be forwarded to the Reviewing Departments. It shall be the applicant's responsibility to ensure that the application is complete.
3. At any time during the review process, any or all of the Reviewing Departments may require the applicant to provide additional information regarding the applicant's development request. Any or all of the Reviewing Departments may also request the applicant to appear personally or through a representative of the applicant before the Department and provide additional information regarding the application.
4. The Planning Department shall compile and maintain a record of each Reviewing Department's application review. Once the Planning Department has received and compiled each re-

quired review for an application, the Planning Department shall forward the application and compilation of reviews to the Planning Commission and City Council, as applicable, for consideration. A consensus approval by the Reviewing Departments of the proposed development application is required before any such application or compilation of reviews is forwarded to the Planning Commission and City Council.

5. The Planning Department shall also provide a copy of the reviews to the applicant. Applications containing Development Code deficiencies, as indicated by the Reviewing Departments, shall be corrected by the applicant and resubmitted to the Planning Department for further review and submittal to the Planning Commission and City Council.

D. **Approval for Specific Projects.** If an application for a permitted use satisfies the requirements of Section 03.060(A) and (B) and has a valuation of less than \$500,000, the Zoning Administrator, with the consent of the Reviewing Departments, may grant final approval of the development request. Notwithstanding, the Zoning Administrator may use discretion and defer the decision to the Planning Commission.

Section 03.070 Zoning Administrator

It is the responsibility of the Zoning Administrator to ensure all processes, procedures and other provisions of this Code are consistently and equitably applied and to effect the general administration and enforcement of this Code. The City Council shall designate a staff person, or staff persons, to carry out the responsibilities of the Zoning Administrator. The staff person or persons designated are referred to in this Code as the "Zoning Administrator".

Section 03.080 Staff

(Amended 12/13/16)

The staff of the Lehi City Planning Division shall perform the planning functions of the City and shall provide professional and technical support, advice and guidance on all amendments to the General Plan, General Plan Elements, and this Code, on all applications for development approval, permits, licenses and appeals, and shall perform all such other functions as may be requested by the City Council, the Planning Commission, the Hearing Examiner, or as authorized by this Code.

Section 03.090 Meetings and Public Hearing

(Amended 5/22/01; 7/10/07; 12/13/16)

All meetings and hearings of the City Council, Plan-

ning Commission, Hearing Examiner and Reviewing Departments shall comply with the provisions of this Code and the Utah Code. At least ten days' notice shall be provided for all public hearings required by this Code, except public hearings required for all applications for preliminary subdivision plat, which shall require at least seven days' notice, and all applications for annexation which shall be noticed according to the Utah Code. The applicant shall be required to pay the cost for the City to provide the required notice to all property owners and public entities as required by this Code.

Section 03.100 Courtesy Notice.

(Amended 5/22/01)

As a courtesy to property owners, all applicants for a General Plan amendment, annexation, zoning map amendment, concept plan, conditional use permit or preliminary subdivision plat shall provide the City with stamped and preaddressed envelopes for each owner of record of each parcel located entirely or partly within 300 feet from any boundary of the property subject to the application, including any owners of property in unincorporated Utah County or adjacent municipalities, together with a mailing list for those owners. The names and addresses shall be as shown on the most recently available Utah County tax assessment rolls. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate. The courtesy notices shall be mailed by the City and state that an application has been filed, the nature of the application or action, and the time place and date set for a public hearing or meeting on the matter. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the Planning Commission or City Council.